IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J

Writ Petition (L) No 2085 OF 2007

M/s Kothari Fab Tex P Ltd and ors ..Petitioners.

Vs

The Cloth Market & Shops
Association Board and ors. ..Respondents

Mr K.S. Bapat i/b M./s Juris Parmar Chamber for the petitioners
Ms Pallavi Divekar for respondent No.1
Mr K.R. Belosay for State

CORAM: SWATANTER KUMAR, C.J., &
DR. D.Y. CHANDRACHUD, J.
Dated: 27th September 2007

P.C.:

The learned counsel for the petitioners submit that the petitioners would deposit the entire amount subject to the respondent granting them hearing. This submission is on the ground that the Manager of the petitioner company, who was instructed to appear before the authority concerned mis-represented and in fact did not appear before the authority in the matter and resultantly the order was passed in their absence. Keeping in view the circumstances as stated above, which is hardly in dispute, we direct the respondents to hear the petitioners and pass appropriate order afresh in accordance with law.

The impugned order shall be kept in abeyance till that time, subject to the condition that within one week from today the petitioners shall deposit the entire amount as ordered. The deposit of amount will be without prejudice to the rights and contentions of the petitioners.

With the above directions, the petition is disposed off. No order as to costs.

CHIEF JUSTICE

Dr. D.Y.CHANDRACHUD, J.